

By: Naishtat

H.B. No. 2897

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the driver safety courses for individuals under the age  
3 of 25 and to the driving course requirements for those individuals  
4 when receiving deferred adjudication of certain traffic offenses.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Effective January 1, 2012, Article 45.051(b-1),  
7 Code of Criminal Procedure, is amended to read as follows:

8 (b-1) If the defendant is younger than 25 years of age and  
9 the offense committed by the defendant is a traffic offense  
10 classified as a moving violation:

11 (1) Subsection (b)(8) does not apply;

12 (2) during the deferral period, the judge shall  
13 require the defendant to complete a driver education [~~driving~~  
14 ~~safety~~] course designed for drivers younger than 25 years of age and  
15 approved under Section 1001.101(a)(1) [~~Chapter 1001~~], Education  
16 Code; and

17 (3) if the defendant holds a provisional license,  
18 during the deferral period the judge shall require that the  
19 defendant be examined by the Department of Public Safety as  
20 required by Section 521.161(b)(2), Transportation Code; a  
21 defendant is not exempt from the examination regardless of whether  
22 the defendant was examined previously.

23 SECTION 2. Section 521.1601, Transportation Code, as added  
24 by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular

1 Session, 2009, is amended to read as follows:

2           Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department  
3 may not issue a driver's license to a person who is younger than 25  
4 years of age unless the person submits to the department a driver  
5 education certificate issued under Chapter 1001, Education Code,  
6 that states that the person has completed and passed[+]

7           [~~(1)~~] a driver education and traffic safety course  
8 approved by the Texas Education Agency under Section 29.902,  
9 Education Code, or a driver education course approved by that  
10 agency under Section 1001.101(a)(1) of that code or approved by the  
11 department under Section 521.205[~~+ or~~

12           [~~(2) if the person is 18 years of age or older, a~~  
13 ~~driver education course approved by the Texas Education Agency~~  
14 ~~under Section 1001.101(a)(1) or (2), Education Code].~~

15           SECTION 3. Section 1001.101, Education Code, as amended by  
16 Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st  
17 Legislature, Regular Session, 2009, is reenacted and amended to  
18 read as follows:

19           Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND  
20 EDUCATIONAL MATERIALS. (a) The commissioner by rule shall  
21 establish the curriculum and designate the educational materials to  
22 be used in:

23           (1) a driver education course for minors and adults;

24 and

25           (2) a driver education course exclusively for adults  
26 25 years of age or older.

27           (b) A driver education course under Subsection (a)(2) must:

- 1           (1) be a six-hour course; and  
2           (2) include instruction in:  
3                 (A) alcohol and drug awareness;  
4                 (B) the traffic laws of this state;  
5                 (C) highway signs, signals, and markings that  
6 regulate, warn, or direct traffic; and  
7                 (D) the issues commonly associated with motor  
8 vehicle accidents, including poor decision-making, risk taking,  
9 impaired driving, distraction, speed, failure to use a safety belt,  
10 driving at night, failure to yield the right-of-way, and using a  
11 wireless communication device while operating a vehicle.

12           (b-1) A driver education course under Subsection (a)(1)  
13 must:

14                 (1) be a 10-hour course, including at least 4 hours of  
15 instruction focusing on issues specific to drivers younger than 25  
16 years of age;

17                 (2) include instruction in:

18                         (A) alcohol and drug awareness;

19                         (B) the traffic laws of this state;

20                         (C) highway signs, signals, and markings that  
21 regulate, warn, or direct traffic;

22                         (D) the high rate of motor vehicle accidents and  
23 fatalities for drivers under 25 years of age;

24                         (E) the issues commonly associated with motor  
25 vehicle accidents involving drivers younger than 25 years of age,  
26 including poor decision-making, risk taking, impaired driving,  
27 distraction, speed, failure to use a safety belt, driving at night,

1 failure to yield the right-of-way, and using a wireless  
2 communication device while operating a vehicle, and the role of  
3 peer pressure in those issues;

4 (F) the effect of poor driver decision-making on  
5 the family, friends, school, and community of a driver younger than  
6 25 years of age; and

7 (G) the importance of taking control of  
8 potentially dangerous driving situations both as a driver and a  
9 passenger; and

10 (3) require a written commitment by the student to  
11 family and friends that the student will not engage in dangerous  
12 driving habits.

13 (b-2) A course approved for use under Subsection (a)(1)  
14 before January 1, 2012, must comply with the requirements of  
15 Subsection (b-1) and be approved for that purpose by the  
16 commissioner not later than January 1, 2012. This subsection  
17 expires September 1, 2012.

18 (c) A course approved under Subsection (a)(2) may be offered  
19 as an online course.

20 (d) A driving safety course or a drug and alcohol driving  
21 awareness program may not be approved as a driver education course  
22 under Subsection (a)(2).

23 SECTION 4. (a) The Texas Education Agency shall adopt the  
24 rules required by Section 1001.101, Education Code, as reenacted  
25 and amended by this Act, as soon as practicable after the effective  
26 date of this Act.

27 (b) The change in law made by this Act to Article 45.051,

1 Code of Criminal Procedure, applies only to an offense committed on  
2 or after January 1, 2012. An offense committed before January 1,  
3 2012, is governed by the law in effect on the date the offense was  
4 committed, and the former law is continued in effect for that  
5 purpose. For purposes of this subsection, an offense was committed  
6 before that date if any element of the offense occurred before that  
7 date.

8 SECTION 5. Except as otherwise provided by this Act, this  
9 Act takes effect September 1, 2011.